

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CMs-20371-72-CWP- 2023 in/and
C.W.P. No. 2719 of 2023 (O&M)
Date of decision: 05.12.2023

Radhe Shyam

.... Petitioner

Vs.

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Divyam Singh, Advocate
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Ankur Mittal, Advocate and
Ms. Kushaldeep Kaur, Advocate
for the respondent-HSVP.

Mr. Aayush Gupta, Advocate
for the applicant-respondent No.4.

ARUN PALLI, J (Oral)

CM-20371-CWP-2023

This is an application for preponement of the main case.

With the consent of the learned counsel for the parties, the date fixed
in the petition is preponed from 4.3.2024 to today and the petition along with all
civil miscellaneous applications are taken on board.

CM is allowed.

CM-20372-CWP-2023

CM is allowed as prayed.

Documents annexure R-4/10 and R-4/11 are taken on record.

CM-10578-CWP-2023

This is an application under Order 1 Rule 10 of CPC for impleading
the applicant (Komal Kansal wife of Sumeet Kansal, resident of H.No. 324-R,
Model Town, Ambala City, Ambala) as respondent No.4.

For the reasons set out in the application, which is supported by an
affidavit, and particularly when the prayer made by learned counsel for the
applicant is not opposed either by the learned counsel for the petitioner or by the

learned State counsel, the application is allowed. The applicant is ordered to be impleaded as respondent No.4 in the array of the parties.

Amended memo of parties is taken on record.

Main Case

All that has been assailed by the petitioner, vide petition at hand, is the order/letter dated 23.11.2022 (P-1), vide which the Estate Officer, HSVP, Ambala, had required the petitioner and alike to remove the encroachments that have been caused upon the plots carved out by HSVP in Sector 34, Ambala Cantt.

A bare analysis of the said letter reveals that encroachments, by constructing the sites, beyond the land that had been released, exists on the property of the respondent authorities. Accordingly, it was directed that if all those, who were alleged to have encroached the said site, have any document/court decree or acknowledgement to justify their possession, they may submit the same within the indicated time, else the site be cleared after removing the said encroachments.

Concededly, the petitioner never responded to the impugned communication/letter dated 23.11.2022. However, during the course of hearing, learned counsel for the parties have reached the consensus that let this petition be disposed of to enable the petitioner to respond to the impugned communication, along with necessary documents, to substantiate his claim. It is urged that in case he does so, within two weeks from today, the Estate Officer, HSVP, Ambala, shall examine the matter in the right earnest and pass necessary orders after affording opportunity of hearing to the petitioner within a period of three weeks thereafter. Further, while issuing notice of motion on February 09, 2023, this Court had required the parties to maintain status quo as regard the possession, the said order being operative to date, shall continue to operate till the necessary orders are passed by the Competent Authority.

In the wake of the position sketched out above, this petition is accordingly disposed of in terms of the statement made by learned counsel for the parties.

This Court is sanguine that the authorities shall consider/examine the matter in issue, and pass appropriate orders, in accordance with law, within the time indicated by learned counsel for the respondents, assigning reasons in support thereof.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as

indicated earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

05.12.2023
deepak

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No